

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9126 of 2005

Between:

- 1 B.Yaganteeswara Naidu S/o.b.Munikrishnam Naidu
R/o.Padmapuram Village,H/o.Pullur and Post, S.R.Puram Mandal, Chittoor District
- 2 Guvvala Devamma W/o.Murugaiah
R/o.Padmapuram Village,H/o.Pullur and Post, S.R.Puram Mandal, Chittoor District
- 3 G.Vamana Naidu S/o.Ayyappa Naidu
R/o.Padmapuram Village,H/o.Pullur and Post, S.R.Puram Mandal, Chittoor District
- 4 G.Devaiah S/o.Desaiiah
R/o.Padmapuram Village,H/o.Pullur and Post, S.R.Puram Mandal, Chittoor District
- 5 P.Rudrappa S/o.Krishnaiah
R/o.Padmapuram Village,H/o.Pullur and Post, S.R.Puram Mandal, Chittoor District
- 6 P.Sanjeevaiah S/o.Ramaiah
R/o.Padmapuram Village,H/o.Pullur and Post, S.R.Puram Mandal, Chittoor District
- 7 P.Doraswamy Reddy S/o.Krishna Reddy
R/o.Dwaraka Nagar, Pullur Post, S.R.Puram Mandal Chittoor District.
- 8 G.Subramanyam Naidu S/o.G.Munirathnam Naidu
R/o.Padmapuram Village,H/o.Pullur and Post, S.R.Puram Mandal, Chittoor District
- 9 P.Vasu Reddy S/o.P.gangi Reddy
R/o.Dwaraka Nagar, Pullur Post, S.R.Puram Mandal Chittoor District.

..... PETITIONERS

AND

- 1 The Joint Collector, Chittoor
- 2 The Mandal Revenue Officer S.R.Puram Mandal,
Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly, one in the nature of writ of mandamus declaring the action of the 1st respondent in not disposing off the petition bearing No.E2/2773/2005 dt.24.3.2005 seeking consideration of grant of DKT Pattas in the names of the petitioners for those lands occupied by them unauthorizedly as illegal, arbitrary and unconstitutional and consequently direct the 1st respondent to consider the cases of all the petitioners for issuance of DKT Pattas for the lands occupied by them, by disposing the above said Petition No.E2/2773/2005 dt.24.3.2005 in accordance with law.

Counsel for the Petitioners: MR.S.S.BHATT

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

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ORDER:

The petitioners claim to be the landless poor. It is stated that about 20 to 25 years ago, they occupied small extents of land situated in Survey No.136 of Padmapuram Village and have been eking out their livelihood by cultivation. It is stated that since the said lands are Government lands, they made applications on 24.03.2005 before the 1st respondent requesting for grant of pattas in their favour.

It is alleged that in the meanwhile at the instance of some rival groups, the 2nd respondent initiated proceedings under A.P.Land Encroachment Act and taking coercive steps to dispossess them. Hence, this Writ Petition.

It is to be noted that admittedly the Mandal Revenue Officer has already issued a notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905 on 16-03-2005 calling upon the petitioners to show-cause as to why they should not be evicted from the lands-in-question. It appears that having received the said notice, they made the representations for grant of pattas.

In the circumstances, I am not inclined to grant the Mandamus as prayed for. Instead, I deem it appropriate to dispose of the writ petition granting liberty to the petitioners to submit their explanation to the show-cause notice dated 16-03-2005 within a period of two weeks from today. If any such explanation is filed, the respondents shall consider the same and pass appropriate orders, in accordance with law, if not already passed. Till such orders are passed and communicated to the petitioners, the respondents are directed not to dispossess the petitioners from the lands-in-question. No costs.

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(G. ROHINI, J)

Date: 25-04-2005

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To

- 1 The Joint Collector, Chittoor
- 2 The Mandal Revenue Officer S.R.Puram Mandal,
Chittoor District.
- 3 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad.
(O.U.T.)
- 4 Two CD copies.